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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,347	08/01/2003	William R. McGrath	50679/RAG/C766	3598
23363	7590	01/10/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			JACKSON, BRYAN M	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3762	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,347

Applicant(s)

MCGRATH, WILLIAM R.

Examiner

Bryan M. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/1/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/2/04, 2/9/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Information Disclosure Statement***

The Information disclosure statement (IDS) submitted on 8/2/04 and 2/9/05 are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim is made to claim 10 and 11. See MPEP § 608.01(n). Accordingly, the claim 12 has not been further treated on the merits. It is suggested to replace "and" with "or".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (6122537). Schmidt discloses oscillators, a transmitter & transmission antenna (fig 13, 2), a receiver & receiver antenna (fig 13, 4), a diode detector (fig 7) connected to receiver antennae, one common transmitting/receiving antenna (col 6, ln 47-48), an electromagnetic signal, monitoring of amplitude changes with

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respect to a beating heart (col 5, ln 17-30), the heart rate of a test person with respiration stopped (fig 5), the spectrum of the heart signal reflected by a breathing person (fig 6), transmission of a frequency in the range of 100-MHz through 10-GHz (col 3, ln 64-65), wherein the said range can still be received through dense debris (col 2, ln 1-2), a low-pass and high-pass filter (fig 8a, 8b), and the application of digital signal processing (fig 3).

Regarding claims 6 and 11, it is noted that Schmidt discloses the monitoring of amplitude changes of a beating heart with respect to voltage, wherein voltage calculations are a result of Ohm's Law, $V=RI$, wherein with regard to oscillating signals (AC), impedance (Z) is commonly calculated in place of resistance (R), which would allow for the measurement of complex impedances with respect to a beating heart.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemaitre (6031482) discloses a method and system for sensing and locating a person, e.g. under an avalanche. Hablov (5448501) discloses an electronic life detection system. Rostislavovich (6208286) discloses a method for discovering the location of a living object and microwave location device for realizing the same. Li (6753780) discloses a vehicle occupant detection system and method using radar motion sensor. Sharpe (4958638) discloses a non-contact vital signs monitor. Cousy (5760687) discloses a method of and device for detecting the presence of a living being of a particular species in a space monitored by a Doppler sensor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan M. Jackson whose telephone number is 571-272-7335. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GEORGE R. EVANISKO
PRIMARY EXAMINER
1/5/6